

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO**

Terves LLC,	)	
	)	Case No. 1:19-cv-1611-DCN
Plaintiff,	)	
	)	Judge Donald C. Nugent
v.	)	
	)	
Yueyang Aerospace New Materials Co. Ltd.	)	
et al.	)	
	)	
Defendants.	)	

**Joint Stipulation and [Proposed] Order re Voluntary Withdrawal of Certain Patent Claims**

In accordance with the Federal Circuit authority cited in *Realtime Data LLC v. Echostar Corp.*,<sup>1</sup> plaintiff Terves LLC and defendants Ecometal Inc. and Nick Yuan (collectively, “Ecometal”) hereby stipulate to the voluntarily withdrawal without prejudice of Terves’ infringement claims and Ecometal’s anticipation and obvious defenses and counterclaims as to the following patent claims, referred to by Terves in prior briefing as the “challenged claims”:

- (i) Claims 1, 4, 5, 7, 12, 13, 25, 29, 33, 37, 41, 43, 45, 49, 55, 69-70, 74 of the ’653 patent; and
- (ii) Claims 2, 19, and 94 of the ’740 patent.

This stipulation and order does not alter or affect in any way the Court’s April 12, 2022 Summary Judgment Order (ECF #178), and instead merely removes from trial the patent claims for which the Court found that there remain genuine issues of material fact on Ecometal’s defenses of anticipation/obviousness, which are hereby preserved. Ecometal reserves the right to appeal the adverse rulings on these challenged claims in the Summary Judgment Order, and those rulings

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<sup>1</sup> No. 6:17-cv-00084-JDL, 2018 WL 6267332 (E.D. Tex. Nov. 29, 2018).

shall not become final and appealable (and the time to appeal those rulings shall not begin) until final judgment is entered as to all claims and defenses under Fed. Civ. R. 58.

Dated: April 18, 2022

s/ Matthew J. Cavanagh

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Nick Yuan*

IT IS SO ORDERED.

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United States District Judge Donald C. Nugent